

DOCKET NO. 8229-018-27 CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: JIM HUNTER, ET AL.

SERIAL NO.: NEW CIP APPLICATION

FILING DATE: HERewith

FOR: HIGH CONTRAST GRATING LIGHT VALVE

**LIST OF INVENTORS' NAMES AND ADDRESSES**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Listed below are the names and addresses of the inventors for the above-identified patent application.

1. Jim HUNTER  
385 Moffett Park Drive, Suite 115  
Sunnyvale, CA 94089-1208
2. Chris GUDEMAN  
385 Moffett Park Drive, Suite 115  
Sunnyvale, CA 94089-1208
3. David T. AMM  
178 Greenless Drive  
Kingston, Ontario, K7K 6P5, CANADA

A declaration containing all the necessary information will be submitted at a later date.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP



Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

8229-018-27 CIP

First Inventor or Application Identifier

JIM HUNTER, ET AL.

Title

HIGH CONTRAST GRATING LIGHT VALVE

J100d U.S. PRO  
10/05/994

01/22/02

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original and a duplicate for fee processing)  
☐ Applicant claims small entity status.
2. ☒ Specification Total Pages **17**
3. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets **5**
4. ☐ Oath or Declaration Total Pages 
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 C.F.R. §1.63(d))  
(for continuation/divisional with box 16 completed)
5. ☐ Incorporation By Reference (usable if box 4B is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4B, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**ACCOMPANYING DOCUMENTS**

6. ☐ Assignment Papers (cover sheet & document(s))
7. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
8. ☐ English Translation Document (if applicable)
9. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
10. ☐ Preliminary Amendment
11. ☒ White Advance Serial No. Postcard
12. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
13. ☐ Request for Priority
14. ☒ List of Inventors' Names and Addresses
15. ☒ Other: NonPublication Request and Certification  
Request For Declaration of Interference

6. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application no.:

10/029,875, filed December 31, 2001 (Pending); which is a CIP off of 09/802,619, filed March 8, 2001 (pending)

Prior application information: Examiner:

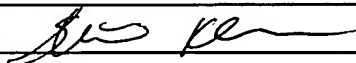
Group Art Unit:

7. Amend the specification by inserting before the first line the sentence:

- ☒ This application is a ☐ Continuation ☐ Division ☒ Continuation-in-part (CIP)  
of application Serial No. 10/029,875 Filed on December 31, 2001 (Pending); which is a CIP off of 09/802,619 filed March 8, 2001 (Pending).
- ☐ This application claims priority of provisional application Serial No. Filed

**18. CORRESPONDENCE ADDRESS**

Supervisor, Patent Prosecution Services  
PIPER MARBURY RUDNICK & WOLFE LLP  
1200 Nineteenth Street, N.W.  
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Name	Steven B. Kelber	Registration No.	30,073
Signature		Date	1/22/02
Name		Registration No.	
Telephone	202-861-3900		

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SERIAL NO.: NEW APPLICATION

FILING DATE: HERewith

FOR: HIGH CONTRAST GRATING LIGHT VALVE

**NONPUBLICATION REQUEST  
AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

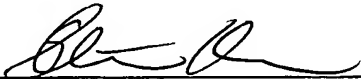
It is hereby certified that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at 18 months after filing. It is hereby requested that the attached application not be published under 35 U.S.C. 122(b). Applicant reserves the right to rescind this request pursuant to 35 U.S.C. 122(b)(2)(B)(ii).

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

1/22/02  
Date

1200 Nineteenth Street, N.W.  
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Steven B. Kelber  
Registration No. 30,073

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IN RE APPLICATION OF: JIM HUNTER, ET AL.

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**REQUEST FOR DECLARATION OF INTERFERENCE, 37 C.F.R. §1.607 & 608**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Pursuant to the provisions of the above-captioned Rules, Applicants request a declaration of an interference between the above-captioned patent application and U.S. Patent 6,169,624.

Pursuant to the provisions of Rule 608, Applicants believe they are entitled to a judgment vis-a-vis the '624 patentees, *prima facie*, on the basis of prior invention and correct designation of inventors in the '624 patent, and possibly derivation. Applicants also believe the '624 patent claims, at least claim 23, are invalid for lack of enablement. Upon indication of otherwise allowable subject matter, Applicants will present papers fully complying with Rule 608.

The provisions of Rule 607 are complied with *seriatim*, as follows:

1. The patent with which an interference is requested is U.S. Patent 6,169,624.
2. Applicants advance as a proposed count Claim 23 of the '624 patent, or Claim 1 or Claim 4 of the above-captioned patent application, which are substantially identical.
3. Applicants identify as at least one claim in the patent corresponding to the proposed count, Claim 23.

4. Applicants present Claims 1-10 herein, each of which is believed to correspond to the proposed count.

5. This provision is not applicable.

6. The conditions of 35 U.S.C. §135(b) are met. The '624 patent issued January 2, 2001. The parent application of this application (atty docket 8229-017-27 CIP) was filed less than a year after the issue date of the '624 patent (December 31, 2001) with a claim identical to Claim 23 of the '624 patent and claim 4 of the above-captioned application.

In compliance with the provisions of 37 C.F.R. §1.607(c), Applicants advise that Claim 1 of the above-captioned patent application was substantially copied from Claim 23 of the '624 patent.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP



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Steven B. Kelber  
Registration No: 30,073  
Attorney of Record

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# FEE TRANSMITTAL

Docket No. 8229-018-27 CIP  
 Serial No. NEW CIP APPLICATION  
 Filing Date HEREWITH  
 Inventor(s) JIM HUNTER, ET AL.  
 Group Art Unit UNASSIGNED  
 Examiner UNASSIGNED

TOTAL AMOUNT OF PAYMENT \$870.00

1. ☐ Applicant claims small entity status.
- ☒ Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 50-1442.
- ☐ Charge the indicated fees to Deposit Account No. 50-1442.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

2. ☒ Check enclosed.

### FEE CALCULATION

#### 1. BASIC FILING FEE


Large Entity		Small Entity		Fee Description		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
						105	130	205	65	Surcharge-late filing fee or oath	130.00
						127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
						139	130	139	130	Non-English specification	
						147	2520	147	2520	Ex parte reexam. fee	
01	740	201	370	Utility filing fee	740.00	115	110	215	55	1-mo. ext. of time	
06	330	206	165	Design filing fee		116	400	216	200	2-mo. ext. of time	
07	510	207	255	Plant filing fee		117	920	217	460	3-mo. ext. of time	
08	740	208	370	Reissue filing fee		118	1440	218	720	4-mo. ext. of time	
14	160	214	80	Provisional filing fee		128	1960	228	980	5-mo. ext. of time	
SUBTOTAL (1)						119	320	219	160	Notice of Appeal	

#### 2. EXTRA CLAIM FEES

tot. claims		7	-	20*	=	0	x	\$18	=	0	121	280	221	140	Request for Oral Hearing		
ind. claims		2	-	3*	=	0	x	\$84	=	0	142	1280	242	640	Utility/Reissue Issue Fee		
<input type="checkbox"/>	Multiple Dependent Claims							\$280	=		143	460	243	230	Design Issue Fee		
Large Entity		Small Entity		Fee Description							144	620	244	310	Plant Issue Fee		
Fee Code	Fee (\$)	Fee Code	Fee (\$)								122	130	122	130	Petitions to the Commissioner		
103	18	203	9	Claims in excess of 20							126	180	126	180	IDS Submission		
102	84	202	42	Independent claims in excess of 3							581	40	581	40	Assignment		
104	280	204	140	Multiple dependent claim, if not paid							179	740	279	370	For Filing RCE		
109	84	209	42	*Reissue independent claims over original patent							169	900	169	900	Expedited Design		
110	18	210	9	*Reissue claims in excess of 20 and over original patent							OTHER (indicate below):						
SUBTOTAL (2)									\$0.00								

\* or number previously paid, if greater; For Reissues, see above

SUBTOTAL (3) \$130.00

Name	Steven B. Kelber	Registration No.	30,073
Signature		Date	1/22/02
Name		Registration No.	202-861-3900